

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION

FILED  
2013 FEB -7 AM 10:43  
OUT  
CR  
140

UNITED STATES OF AMERICA,

Plaintiff,

v.

PETER TRUONG,

Defendant.

Cause No. 1:13-CR-

**1:13-cr-0031** <sup>SEB</sup> **WTL-TAB**

**DOCUMENT FILED UNDER SEAL**

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SOUTHERN DISTRICT OF INDIANA  
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Plaintiff, )  
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**INFORMATION**

**Count 1**  
**Conspiracy to Possess Child Pornography**  
**18 U.S.C. §§ 2252(a)(4)(B) and (b)(2)**

The United States Attorney charges that:

At all times material to these charges:

In or about the time period between February 2010 and December 20, 2011, within the Middle District of Florida and elsewhere, the Defendant, PETER TRUONG ("TRUONG"), did knowingly conspire with John Rex Powell ("Powell") and Mark Jonathan Newton ("Newton") to possess material containing visual depictions that had been shipped and transported in and affecting interstate and foreign commerce, and such visual depictions were produced using materials which were shipped and transported in and affecting interstate and foreign commerce, and the producing of the visual depictions involved the use of minors engaging in sexually explicit conduct and such

visual depictions were of such conduct, to wit: TRUONG knowingly and willfully conspired with Newton and Powell to possess material containing images of Boy 1 and Boy 2, each a minor child and each engaged in sexually explicit conduct, as defined at 18 U.S.C. § 2256(2), that were produced in California, Australia and France and shipped and transported in and affecting interstate and foreign commerce from those locations to Powell's residence in the Middle District of Florida.

All of which is a violation of Title 18, United States Code, Section 2252(a)(4)(B) and (b)(2).

**FORFEITURE**

1. The allegations in Count One of this Information are realleged as if fully set forth here, for the purpose of giving the defendant notice that the United States intends to seek forfeiture of property pursuant to Title 18, United States Code, Section 2253 as part of any sentence imposed herein.

2. If convicted of the offense set forth in Count One, PETER TRUONG, defendant herein, shall forfeit to the United States the defendant's interest in:

1) any visual depiction described in Title 18, United States Code, Section 2251, 2251A, 2252, 2252A, 2252B, or 2260, or any book, magazine, periodical, film, videotape, or other matter which contains any such visual depiction, which was produced, transported, mailed, shipped, or received in violation of Title 18, United States Code, Chapter 110; 2) any property, real or personal, constituting or traceable to gross profits or other proceeds obtained from such offense; and 3) any property, real or personal, used or intended to be used to commit or to promote the commission of such offense or any property traceable to such property.

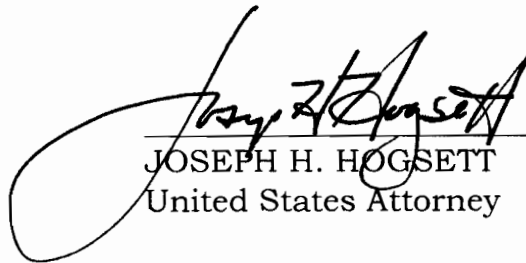
**Substitute Assets**

3. Pursuant to Title 21, United States Code, Section 853(p), the court shall order the forfeiture of any other property of the defendant, up to the value of any property described in paragraph 2, if, by any act or omission of the defendant, the property described in paragraph 2, or any portion thereof:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a

- third party;
- c. has been placed beyond the jurisdiction of the court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be divided without difficulty.

In keeping with the foregoing, it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of the defendant up to the value of all forfeitable property as described above in Paragraph 2.



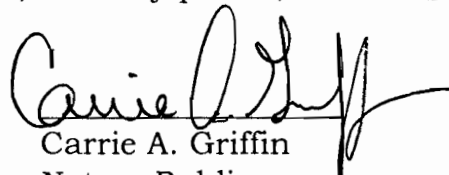
JOSEPH H. HOGSETT  
United States Attorney

STATE OF INDIANA       )  
                                      ) SS:  
COUNTY OF MARION    )

A. Brant Cook, being first duly sworn, upon his oath deposes and says that he is an Assistant United States Attorney in and for the Southern District of Indiana, that he makes this affidavit for and on behalf of the United States of America, and that the Allegations in the foregoing Information are true as he is informed and verily believes.

  
A. Brant Cook  
Assistant United States Attorney

Subscribed and sworn to before me, a notary public, on this 7<sup>th</sup> day of February, 2013.

  
Carrie A. Griffin  
Notary Public

My Commission Expires:

January 21, 2016

My County of Residence:

Hancock